

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, et al.,

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.,

Defendants.

**JOINT MOTION TO EXTEND
DISCOVERY DEADLINES**

Plaintiffs and Defendants, pursuant to the Court's inherent powers and Fed. R. Civ. P. 6(b), jointly move the Court for entry of an order extending the following discovery deadlines:

1. Plaintiffs' phase I Rule 26(a)(2) disclosures shall be made by December 1, 2022
2. Defendants' phase I Rule 26(a)(2) disclosures shall be made by January 2, 2023.
3. All Phase I discovery shall be completed by February 1, 2023.
4. Phase I dispositive motions shall be filed by March 1, 2023.
5. Mediation shall commence no later than February 6, 2023.

In support of this motion, the parties respectfully show the Court as follows:

1. Plaintiffs filed this action on February 22, 2022.
2. This litigation, after Plaintiffs have twice amended their complaint, now includes 11 plaintiffs and 18 defendants.
3. On July 6, 2022, the Court entered a scheduling order setting the deadline for completion of discovery as December 20, 2022.

4. Plaintiffs served their document requests on July 19, 2022. The Defendants served their document requests on July 29, 2022.
5. The parties stipulated to a 30-day extension to respond and on September 19, 2022, defendants provided their response.
6. Since that time, defense counsel has turned over thousands of pages of documents in supplemental responses.
7. Plaintiffs have also turned over thousands of pages of law enforcement records previously provided to them by the City of Raleigh in discovery as well as numerous body camera and other law enforcement videos provided to them by the City of Raleigh.
8. Still, because Plaintiffs contend that this litigation involves nearly two years of alleged misconduct by a team of Drugs & Vice Unit detectives and their informant, Plaintiffs contend that extensive discovery remains outstanding.
9. Because of the claims alleged in the action, Defendants contend that extensive discovery remains outstanding.
10. The parties have promptly pursued this action and are in the midst of conducting depositions of the Plaintiffs and the Defendants.
11. The parties are also addressing their differing contentions concerning discovery.
12. On October 26, 2022, in response to an email from Plaintiffs' requesting the remaining discovery, and in light of the parties differing contentions concerning discovery, counsel for the City of Raleigh proposed an extension of the discovery deadlines as outlined above. Plaintiffs and the remaining Defendants concurred with this proposal.

13. Counsel for the City also noted that they needed the additional time because members of their team had contracted COVID-19.
14. Mediation in this matter is scheduled to occur on February 6, 2022. This is the earliest date available on the selected mediator's schedule. This mediator has assisted the parties with mediation in related litigation that led to a comprehensive settlement.
15. The parties believe that an extension to the Phase I discovery deadlines will assist in the obtaining of relevant information, allow the parties to attempt to resolve conflicting contentions concerning discovery, and that proceeding in this action with an extended discovery deadline would not waste time, effort, and resources, and might, in fact, be more advantageous for a possible resolution.
16. All parties agree that no prejudice will be done to any party should the discovery deadline be extended as outlined above.
17. Good cause for an extension is shown in this case because the current discovery deadline has not passed, all parties agree to this joint motion to extend the discovery deadline, and such an extension would promote the exchange of discoverable information contained by both parties and promote the aims of mediation as well as a resolution of this matter on the merits.

WHEREFORE, the parties respectfully request that the Court enter an order extending the discovery deadlines as follows:

1. Plaintiffs' Phase I Rule 26(a)(2) disclosures shall be made by December 1, 2022
2. Defendants' Phase I Rule 26(a)(2) disclosures shall be made by January 2, 2023.
3. All Phase I discovery shall be completed by February 1, 2023.
4. Phase I dispositive motions shall be filed by March 1, 2023.

5. Mediation shall commence no later than February 6, 2023.

Respectfully submitted, this the 8th day of November 2022

Abraham Rubert-Schewel
TIN FULTON WALKER & OWEN,
PLLC
119 East Main Street
Durham, NC 27701
(919) 451-9216 phone
(718) 709-7612 fax
Email: schewel@tinfulton.com
Attorneys for Plaintiff

Emily Gladden
TIN FULTON WALKER & OWEN,
PLLC
204 N. Person Street
Raleigh, NC 27601
(919) 720-4201 phone
(919) 720-4640 fax
Email: egladden@tinfulton.com
Attorneys for Plaintiff

Micheal Littlejohn, Jr.
LITTLEJOHN LAW, PLLC
227 W. 4th Street, Ste. B-113
Charlotte, NC 28202
(704) 322-4581 phone
(704) 625-9396 fax
Email: mll@littlejohn-law.com
Attorneys for Plaintiff

Ian Mance
Elizabeth Simpson
EMANCIPATE NC
P.O. Box 309
Durham, NC 27702
(828) 719-5755 phone
Email: ian@emancipatenc.org
elizabeth@emancipatenc.org
Attorneys for Plaintiff

Jason R. Benton
PARKER POE ADAMS & BERNSTEIN,
LLP
620 South Tryon Street, Suite 800
Charlotte, NC 28202
Office: 704.335.9509
Fax: 704.335.9747
Email: jasonbenton@parkerpoe.com
Attorneys for Mr. Abdullah

Norwood P. Blanchard, III
CROSSLEY McINTOSH COLLIER &
EDES, PLLC
5002 Randall Parkway
Wilmington, NC 28403
Tel. (910) 762-9711
Fax. (910) 256-0310
Email: norwood@cmclawfirm.com
Attorneys for RPD Sergeant Rolfe

/s/ Dorothy V. Kibler
Dorothy V. Kibler
Deputy City Attorney
N.C. Bar No. 13571
P.O. Box 590
Raleigh, NC 27602
Tel: (919) 996-6560
Fax: (919) 996-7021
Dorothy.Kibler@raleighnc.gov
ATTORNEYS FOR DEFENDANT CITY
OF RALEIGH

Rodney E. Pettey

YATES MCLAMB & WEYHER, L.L.P.

Post Office Box 2889

Raleigh, N.C. 27602

Email: rpettey@ymwlaw.com

*Attorneys for RPD Detectives Monroe,
Rattelade, and Gay*